

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROGER STEVEN CARDENAS, an infant, by his
Mother and Natural Guardian, EUDOCIA
ANGUISACA, and EUDOCIA ANGUISACA,
individually,

Plaintiffs,

against -

PHELPS MEMORIAL HOSPITAL CENTER, OPEN
 DOOR FAMILY MEDICAL CENTER, INC. and
 OSSINING OPEN DOOR,

Defendants.

PHELPS MEMORIAL HOSPITAL CENTER,

Third-Party Plaintiff,

against -

OPEN DOOR FAMILY MEDICAL CENTER, INC.
and OSSINING OPEN DOOR,

Third-Party Defendants.

PLEASE TAKE NOTICE that, upon the Declaration of Li Yu dated March 4, 2008 and the attached exhibits, the accompanying memorandum of law, and all prior proceedings herein, defendant and third-party defendant the Open Door Family Medical Center, Inc. and its office in Ossining, New York, defendant and third-party defendant Ossining Open Door (collectively, “Open Door”), will move this Court before the Honorable Kenneth M. Karas, United States District Judge, United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, for an order granting Open Door’s motion to (1) substitute the United States in place of Open Door as the defendant and third-party defendant

in the above-captioned actions and (2) dismiss, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, the claims against Open Door in the Amended Complaint filed by plaintiffs Eudocia Anguisaca and Roger Steven Cardenas.

Please take further notice that, pursuant to Local Rule 6.1(b), any opposition to the Open Door's motion is due on March 18, 2008 or on such other date as the Court so orders.

Dated: New York, New York
March 4, 2008

MICHAEL J. GARCIA
United States Attorney

By: s/ Li Yu
LI YU
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Counsel for Third-Party Plaintiff Phelps Memorial Hospital Center

CERTIFICATE OF SERVICE

I, Li Yu, an Assistant United States Attorney for the Southern District of New York, hereby certify that on March 4, 2008, I caused a copy of the Notice of Motion of Defendants and Third-Party Defendants Open Door Family Medical Center, Inc. and Ossining Open Door to Substitute the United States for Open Door and to Dismiss the Claims against the United States in the Amended Complaint in *Cardenas, et al. v. Phelps Memorial Hospital Center*, 07 Civ. 11145 (KMK)(GAY), the accompanying Memorandum of Law in Support and the Declaration of Li Yu and attached exhibits to be served, by First-Class Mail, upon counsel:

James P. Fitzgerald, Esq.
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Counsel for Plaintiffs

Rocco Conte, Esq.
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One Barker Avenue, Suite 675
White Plains, NY 10601-1517
Counsel for Defendant and Third-Party Plaintiff Phelps Memorial Hospital Center

Dated: New York, New York
March 4, 2008

By: s/ Li Yu
LI YU
Assistant United States Attorney